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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,826	06/25/2003	Takaaki Kubodera	27922200100	1829

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EXAMINER

LU, JIPING

ART UNIT	PAPER NUMBER
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3749

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,826

Applicant(s)

KUBODERA ET AL.

Examiner

Jiping Lu

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Status

1. Claims 11 and 13-17 are now in the case and remain rejected. Claims 1-10, 12 and 18-19 have been canceled.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 11, 13-15 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krohn et al. (U. S. Pat. 4,036,624) in view of Kamata et al. (U. S. Pat. 6,520,999).

Patent to Krohn et al. teaches a dyeing device (Fig. 1) for dyeing a plastic lens 30 comprising a heating furnace 15 (Fig. 1), a frame section 10 forming a space 14 within the heating furnace 15 (Fig. 1) and a cooling mechanism 20-23 within the heating furnace 13, 15 (Fig. 1) separate from the frame section 10 in a position corresponding to a portion of the lens 30 within the frame section 10 not requiring coloration; a heating section 16 provided within the frame section 10; an openable insertion port for allowing insertion of the lens provided on or near a bottom surface of the frame section 10, a lens-holding mechanism 31 for holding the lens 30; and a lens-moving mechanism 31 for moving the lens-holding mechanism 31 to insert all or a part of the lens 30 from the insertion port into an interior portion of the heating furnace. For claims 13-15, the lens moving mechanism and temperature are controlled (Fig. 2). The dyeing device of Krohn et al. as above includes all that is recited in claims 11, 13-15, 16-17 except for a

Art Unit: 3749

vertical movable lens-moving mechanism. Kamata et al. teach a dyeing device with a lens-moving mechanism 11, 12 for moving lens in a vertical direction same as claimed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the lens-moving mechanism 11, 12 of Kamata et al. for the lens-moving mechanism 31 of Krohn et al. in order to move lens in a vertical direction.

Response to Arguments

4. Applicant's arguments filed 3/16/2007 have been fully considered but they are not persuasive to overcome the rejection. First, claims fail to structurally define over the prior art references. Second, on page 2 of the Remarks, the applicant argued that the elements 20-23 are not cooling mechanism in Krohn patent. The examiner disagrees. The bricks 20-23 in Krohn patent do perform the claimed cooling function. Krohn patent also explains that the progressively increased spaced brick arrangement allowing variable flows of air and thus greater cooling through convection and radiation (see Col. 10, lines 61-68). Therefore, the bricks 20-23 constitute cooling mechanism. Moreover, claims fail to structurally define what "cooling mechanism" is. It should be noted that anything performing some cooling function, e.g. temperature reduction would constitute "cooling mechanism". Third, on page 2 of Remarks, the applicant argues that the claimed "cooling mechanism" is separated from the frame section. Again there is no structure in the claims that structurally defines such "separation". Therefore, the bricks 20-23 made by separated pieces would constitute "separated" from the frame. Fourth, at the bottom of page 2 of the Remarks, the applicant also argued that the cooling mechanism or bricks 20-23 are not within the heating furnace. However, the examiner has interpreted that the

Art Unit: 3749

entire system 13 is located in a room (between numeral references 13 and 15, see Fig. 1) which maybe called “a heating furnace” in view of the fact the broad claims fail to structurally define what the “heating furnace” is. Fifth, on pages 3-4 of Remarks, the applicant argues that there is no motivation to combine the prior art references of patents to Krohn and Kamata. The examiner disagrees with the applicant’s conclusion in view of the broad claims presented. Krohn patent teaches a dyeing device (Fig. 1) for dyeing a plastic lens 30 in a heating furnace (between 13 and 15 of Fig. 1), a frame section 10, a space 14 within the heating furnace 15 and a cooling mechanism 20-23 within the heating furnace 13, 15 (Fig. 1) separate from the frame section 10, a heating section 16 provided within the frame section 10, a lens-holding mechanism 31, and a lens-moving mechanism 31 for moving the lens-holding mechanism 31 to insert all or a part of the lens 30 from the insertion port into an interior portion of the heating furnace. The lens moving mechanism and temperature are controlled (Fig. 2). Krohn shows the overall structure same as broadly claimed. Kamata patent teaches a dyeing device with a lens-moving mechanism 11, 12 for moving lens in a vertical direction same as claimed. Therefore, in view of the combined teachings of the prior art references, it would have been obvious to one skilled in the art to substitute the lens-moving mechanism 11, 12 of Kamata et al. for the lens-moving mechanism 31 of Krohn et al. in order to move lens in a vertical direction, if one desires

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit: 3749

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jiping Lu whose telephone number is 571 272 4878. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KENNETH RINEHART can be reached on 571 272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jiping Lu
Primary Examiner
Art Unit 3749

J. L.